IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2835 of 2007

Rajesh Baban Mavale and Ors ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Shirish Gupte with Ms Rachita Dhuru & Ms P.P.Tendulkar i/b S.P. Hulyalkar, Advocate for the Applicants.

Mr S. S. Pednekar, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 7.9.2007.

P.C.:-

1. Heard learned counsel for the applicants and learned APP for the State.

2. Perused application and the material available on record.

3. The applicants are seeking bail under Section 439 of the Cr.P.C. in C.R. No.245/2007 registered with Pimpari Police Station, District Pune for the offence punishable under Sections 143,147,148,341,364 506, 511 read with Section 149 of the I.P.C. read with Section 34 of the I.P.C.and under Section 3 read with Section 25 of the Indian Arms Act.

4. The learned counsel for the applicants submits that the alleged incident reported and

complained of was the outcome of the political rivalry between the two groups at the time of the incident. Allegation against the applicant-accused no.2 Devindar Kumar Devkar is that, a revolver has been recovered and seized from him, which was used by him to threaten the complainant Ganesh Yadav.

5. The learned APP for the State, while opposing the bail application, submits that revolver in question is yet to be recovered from the applicant no.2 and, therefore, his custody would be necessary.

6. Considering, prima facie, material on record there appears sufficient evidence against the applicant No. 2. The reasons given by the learned 8th Ad hoc Additional Sessions Judge, Pune while rejecting bail application No. 2400 of 2007 on 22.8.2007 hold good to the extent of applicant No. 2. Thus, application to the extent of the applicant No. 2 stands dismissed.

7. So far as the applicant no.1 is concerned, there is no specific overt act alleged against him.

8. In the above view of the matter, I am of

the considered view that the applicant no.1 is entitled for bail on following terms and conditions.

a] the applicant-accused Rajesh Baban Mavale, be released on bail in the sum of Rs. 25,000/- with one or two sureties in the like amount.

b] the said applicant shall report Pimpari Police Station,Pune once in a week i.e. on Sunday between 3.00 to 5.00 p.m. till filing of the charge sheet.

c] the said applicant shall not pressurise prosecution witnesses and that he shall co-operate the Investigating agency, if required.

d] If the said applicant does not get surety, in that event he is at liberty to furnish cash security in the sum of Rs. 25,000/-.

9. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)